

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**JOSEPH LUNDSTROM and
JANE HIBNER,**
Plaintiffs,

vs.

CASE NO: 07-00759 JH/WDS

**ALBUQUERQUE POLICE OFFICERS
DEBRA ROMERO, ANTHONY SEDLER,
LORENZO APODACA, EDOUARD TAYLOR,
and OFFICER ZAZZA GREEN, in their individual
Capacities and as employees of the City of Albuquerque,
Defendants.**

PLAINTIFFS' SECOND MOTION IN LIMINE

Plaintiffs move the Court to exclude any proffered evidence on the matters set forth in their memorandum accompanying this motion. The Rules of Evidence prohibit character evidence as well as hearsay and evidence lacking in any relevance to be used in the manner Defendants propose. Plaintiffs therefore ask that the Court exclude from evidence, the following:

1. Portions of the dispatch tapes, CAD tapes, 911 tapes, and 911 call, both recorded and transcribed, that fall outside of what the officers actually heard.
2. Any testimony related to the dispatch tapes, CAD tapes, 911 tapes, and 911 call both recorded and transcribed that fall outside of what the officers actually heard.
2. Any exhibits related to the dispatch tapes, CAD tapes, 911 tapes, and 911 call both recorded and transcribed that fall outside of what the officers actually heard.

WHEREFORE, Plaintiffs seek a Court order setting forth that the above items be excluded from trial, or in the alternative, to require side bars before defense counsel inquires into these areas in front of the jury, in voir dire, opening statements, or by any

defense witnesses, all matters not relevant to Plaintiff's actual claims of liability or damages, or which are more prejudicial than probative.

Respectfully submitted,

/s/ Frances Carpenter

Frances Carpenter
118 Wellesley Drive SE
Albuquerque, NM 87106
505.314.8884

Attorney for Plaintiffs

I hereby certify that a true and complete copy of the foregoing was delivered electronically this 21th day of March 2012 to counsel for Defendants.

/s/ Frances Carpenter

Frances Carpenter